

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL BATEMAN,

CASE NO. 2:24-cv-00125-LK

Plaintiff,

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

JASON HAWK et al.,

Defendants.

This matter comes before the Court sua sponte. On May 6, 2024, the Court deferred consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge David W. Christel, which recommended dismissing pro se Plaintiff Daniel Bateman’s complaint for failure to prosecute and for failure to state a claim upon which relief can be granted. Dkt. No. 7; *see* Dkt. No. 6 at 1. The Court took judicial notice that Mr. Bateman was no longer incarcerated at the Washington Corrections Center or any other prison facility in Washington, and therefore may not have received either Judge Christel’s March 1, 2024 Order or the April 9, 2024 R&R. Dkt. No. 7 at 2. The Court consequently ordered Mr. Bateman to (1) notify the Court of any change of address as required by Local Civil Rule 41(b)(2), and (2) provide any written objections to the

1 R&R by July 5, 2024. *Id.* at 3. The Court cautioned Mr. Bateman that if he did not do so, the Court
2 would dismiss the case. *Id.*

3 On May 7, 2024, the Washington State Department of Corrections (“DOC”) returned the
4 mail addressed to Mr. Bateman as undeliverable. Dkt. No. 8. In an email to the Clerk’s Office,
5 DOC stated that its “jurisdiction over Mr. Bateman ended on April 20, 2024” and that it did not
6 have “any forwarding information for him[.]” Dkt. No. 8 at 1; Dkt. No. 8-1 at 1. Mr. Bateman has
7 not filed any change of address with the Court in the five months since the Court’s May 6, 2024
8 Order.

9 Local Civil Rule 41(b)(2) provides that:

10 If mail directed to a pro se plaintiff by the clerk is returned by the Postal Service,
11 . . . and if such plaintiff fails to notify the court and opposing parties within 60 days
12 thereafter of his . . . current mailing . . . address, the court may dismiss the action
13 without prejudice for failure to prosecute.

14 Because Mr. Bateman did not update his address with the Court in a timely manner, the Court
15 DISMISSES this case without prejudice. LCR 41(b)(2).

16 The Clerk is directed to close this case.

17 Dated this 10th day of October, 2024.

18 
19 Lauren King
20 United States District Judge
21
22
23
24